

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79117638
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION (no change)	
ADDITIONAL STATEMENTS SECTION	
PRIOR REGISTRATION(S)	The applicant claims ownership of U.S. Registration Number(s) 4405336.
MISCELLANEOUS STATEMENT	Applicant respectfully submits that the wording "cider" as filed in Class 033 is indefinite. The examiner required clarification of "cider" as "hard" and/or "alcoholic" in Class 033. Applicant amended the wording as "hard cider, alcoholic cider". Additionally, the wording "cider" was amended to "non-alcoholic cider" and moved independently into Class 032. The moving of indefinite goods between international classes is impermissible under the Madrid Protocol. Therefore, Applicant inquires whether this issue must be addressed by the examiner.
SIGNATURE SECTION	
RESPONSE SIGNATURE	/jas/
SIGNATORY'S NAME	Jeffrey A. Smith
SIGNATORY'S POSITION	Applicant's Attorney
SIGNATORY'S PHONE NUMBER	(703) 465-5355
DATE SIGNED	07/02/2014
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Jul 02 18:25:57 EDT 2014
	USPTO/RFR-173.166.177.101 -20140702182557783073-791 17638-500cbb1a15f1b65761c

TEAS STAMP

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PTO Form 1930 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 05/31/2014)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **79117638** has been amended as follows:

ADDITIONAL STATEMENTS

Claim of Prior Registration(s)

The applicant claims ownership of U.S. Registration Number(s) 4405336.

Miscellaneous Statement

Applicant respectfully submits that the wording "cider" as filed in Class 033 is indefinite. The examiner required clarification of "cider" as "hard" and/or "alcoholic" in Class 033. Applicant amended the wording as "hard cider, alcoholic cider". Additionally, the wording "cider" was amended to "non-alcoholic cider" and moved independently into Class 032. The moving of indefinite goods between international classes is impermissible under the Madrid Protocol. Therefore, Applicant inquires whether this issue must be addressed by the examiner.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /jas/ Date: 07/02/2014

Signatory's Name: Jeffrey A. Smith

Signatory's Position: Applicant's Attorney

Signatory's Phone Number: (703) 465-5355

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

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Internet Transmission Date: Wed Jul 02 18:25:57 EDT 2014

TEAS Stamp: USPTO/RFR-173.166.177.101-20140702182557

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